

HOUSE BILL REPORT

HB 2057

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to identity theft.

Brief Description: Addressing identity theft.

Sponsors: Representatives Lovick, O'Brien, Kelley, Green, Simpson, Conway and Hurst.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/19/07, 2/22/07 [DPS].

Brief Summary of Substitute Bill

- Establishes an Identity Theft Workgroup to review Identity Theft crimes and laws in Washington.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

Staff: Yvonne Walker (786-7841).

Background:

The Washington Law Enforcement Group Against Identity Theft (also known as LEGIT), established by the Washington Office of the Attorney General is comprised of a group of legislators, police chiefs, sheriffs, prosecutors, business and financial industry security professionals, and private sector associations, that meet regularly to study ways to:

- reduce Identity Theft in Washington; and
- increase individual and business awareness of Identity Theft risk from both the internal handling to the disposal of personal financial and identity information.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person commits Identity Theft if he or she knowingly obtains, possesses, uses, or transfers another person's means of identification or financial information with the intent to commit, or aid or abet, any crime.

A person commits Identity Theft in the first degree if he or she, or an accomplice, uses the means of identification or financial information to obtain an aggregate total of credit, money, goods, services, or anything else of value in excess of \$1,500. Identity Theft in the first degree is a seriousness level IV, class B felony offense.

A person commits Identity Theft in the second degree if he or she, or an accomplice, uses the victim's means of identification or financial information and obtains: (a) an aggregate total of credit, money, goods, services, or anything else of value less than \$1,500; or (b) no credit, money, goods, services, or anything else of value. Identity Theft in the second degree is a seriousness level II, class C felony offense.

Summary of Substitute Bill:

An Identity Theft Workgroup (workgroup) is established to review the crimes and laws relating to Identity Theft in Washington.

The workgroup consists of the following members:

- two members from the House of Representatives and two members from the Senate, representing each of the two largest caucuses;
- the Chief of the Washington State Patrol or the chief's designee;
- the Insurance Commissioner or the Insurance Commissioner's designee;
- an elected sheriff or police chief, a sergeant, and a detective selected by the Washington Association of Sheriffs and Police Chiefs;
- the state Attorney General or the Attorney General's designee;
- a representative from the banking industry;
- a representative of the Washington Association of Prosecuting Attorneys;
- a representative of the Washington Association of Criminal Defense Lawyers; and
- a representative from a consumer reporting agency.

The workgroup, where feasible, may consult with federal postal inspectors, the Federal Bureau of Investigation, the United States Office of the Attorney General, and individuals from the public and private sector.

The workgroup shall meet quarterly at a date and place of its choice, and at such other times as designated by the Chief of the Washington State Patrol or the Chief's designee. The workgroup is responsible for reviewing and making recommendations to the Legislature and the Governor regarding Identity Theft crimes and policies in Washington. The workgroup, at a minimum, must review the following issues:

- developing approaches to reducing Identity Theft crimes in Washington;
- how to share resources in the investigation of Identity Theft crimes;

- review state and federal laws and penalties related to bank, mail, and wire fraud; immigration and passport fraud; technology and computer crimes; and various other Identity Theft-related offenses;
- reviewing how various local, state, and federal agencies that handle Identity Theft-related crimes communicate, and how to improve the utilization and sharing of services between agencies; and
- whether the creation of county or multiple county Identity Theft task forces made up of local, state, and federal agencies would be feasible and helpful in deterring Identity Theft crimes.

The act expires January 31, 2008.

Substitute Bill Compared to Original Bill:

The substitute bill makes a technical amendment and clarifies that the workgroup is a workgroup on "Identity Theft" and not "Identity Theft Check Processes." It also adds two members from the House of Representatives and two members from the Senate, representing each of the two largest caucuses, to the Identity Theft Workgroup.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.